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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

MARTIN RODRIGUEZ, ET. AL.,

Case No. 6:23-cv-01863-MK

*Plaintiffs,*

v.

**COUNTY DEFENDANTS’  
ANSWER AND AFFIRMATIVE  
DEFENSES**

STATE OF OREGON, ET. AL.,

*Defendants.*

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For their Answer to Plaintiffs’ Complaint, defendants Marion County, Marion County Justice Court, and Marion County Sheriff’s Office hereby admit, deny, and allege as follows:

1.

County Defendants admit that on March 9, 2023, the Marion County Justice Court held a trial in Plaintiffs’ eviction case. County Defendants deny that Plaintiffs did not have to submit to the jurisdiction of the Marion County Justice Court. County Defendants admit that Plaintiffs submitted an email request to rescind subject matter jurisdiction that was denied by the court.

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County Defendants lack sufficient information to form a belief as to the truth of the remainder of the allegations on page 1 and therefore deny them.

2.

County Defendants admit that on or about April 18, 2023, a Marion County Sheriff's Office deputy served a notice of eviction on Plaintiffs. County Defendants admit that, on or about April 27, 2023, Plaintiffs requested a meeting with sheriff's office personnel to discuss the eviction. County Defendants admit that, on or about May 2, 2023, sheriff's office personnel took part in a meeting with Plaintiffs and advised them that they must either vacate their residence or appeal their argument that the Marion County Justice Court lacked jurisdiction to the Marion County Circuit Court. County Defendants admit that, at that meeting, Plaintiffs expressed their viewpoint that they could not appeal the case because it was void from the beginning. County Defendants admit that, at the end of April 2023, the Marion County Sheriff's Office sought and received an extension to enforce the writ of execution on the belief that additional time would be necessary to allow it to be executed safely. County Defendants admit that, on August 2, 2023, the Marion County Sheriff's Office team served the writ of execution on Plaintiffs and evicted them from the home. County Defendants deny that there was no valid order authorizing the eviction. County Defendants lack sufficient information to form a belief as to the truth of the allegations on the remainder of page 2 and therefore deny them.

3.

County Defendants lack sufficient information to form a belief as to the truth of the allegations on pages 3-6 concerning Plaintiffs' contact with the Salem Police Department and therefore deny them.

4.

Except to the extent expressly admitted herein, County Defendants deny each and every allegation of Plaintiffs' Complaint. County Defendants further deny that Plaintiffs are entitled to the relief requested.

County Defendants allege affirmative defenses as follows:

**FIRST AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

5.

Plaintiffs' Complaint fails to state a claim upon which relief can be granted against County Defendants.

**SECOND AFFIRMATIVE DEFENSE**

**(Failure to Mitigate Damages)**

6.

Plaintiffs have failed to mitigate their damages.

**THIRD AFFIRMATIVE DEFENSE**

**(Judicial Immunity)**

7.

County Defendants are immune from liability for issuing a judgment of eviction against Plaintiffs and for the execution of that judgment.

#### **FOURTH AFFIRMATIVE DEFENSE**

##### **(Discretionary Immunity)**

8.

County Defendants are immune from liability for discretionary decisions pursuant to ORS 30.265.

#### **FIFTH AFFIRMATIVE DEFENSE**

##### **(Qualified Immunity)**

9.

County Defendants are immune from liability because their conduct did not violate the Plaintiffs' clearly established rights.

#### **ADDITIONAL AFFIRMATIVE DEFENSES**

10.

County Defendants have not completed investigation of this matter or discovery in this suit and reserve the right to alter, amend, dismiss, add, diminish, or otherwise modify the allegations in this pleading based on information later arising.

#### **COUNTY DEFENDANTS RESPECTFULLY DEMAND A JURY TRIAL**

WHEREFORE, having fully answered Plaintiffs' Complaint, County Defendants pray for a judgment dismissing Plaintiffs' action with prejudice and for their costs and disbursements incurred herein.

Dated this 8th day of February, 2024.

Respectfully submitted,

JANE E. VETTO  
MARION COUNTY LEGAL COUNSEL

A handwritten signature in black ink, appearing to read "Keegan C. Murphy", is written over a horizontal line.

Keegan C. Murphy, OSB #194264  
Marion County Assistant Legal Counsel  
Attorney for Defendants Marion County